Speech of

R. W. Thompson

— on the —

Slavery Question

— in —

House of Representatives

Jan. 25 1849

SPEECH

OF

R. W. THOMPSON, OF INDIANA,

ON

THE SLAVERY QUESTION.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, JANUARY 25, 1849.

The Committee of the Whole House on the State of the Union having under consideration the bill making appropriations for the support of the Army for the year ending June 30, 1850, (Mr. TOOMBS, of Georgia, in the Chair,) Mr. R. W. THOMPSON said:

Mr. CHAIRMAN: Availing myself of the latitude of debate already indulged in during the discussion of this bill, I propose to devote the hour allowed me exclusively to the consideration of matters arising out of the delicate and exciting question of slavery. I do it, sir, with no little reluctance, because it is the first time I have ever obtained my own consent to engage in a general discussion of the kind, and because I know that what I shall say will meet with some opposition from both sections of the Union—from the *ultra* men of both North and South. I do it, however, from a conviction that I represent a class of people who require of me that, upon every suitable occasion, I shall endeavor—with whatever ability I may possess—to bring to bear upon the great questions which now agitate and threaten the Union, that conservatism and conciliatory spirit which they themselves possess. If any considerations, personal to myself, could induce me to shrink from such a duty, I should be unworthy of my position as a member of this House. I shall, therefore, proceed to its performance, without further preface, except to say, that I cannot consent to imitate the example of those who seem to take especial delight in employing terms of censure and denunciation in efforts to excite one section of the Union against another. This course I regard as calculated not only to do no good, but to do serious and positive harm, by disturbing the harmony of that Union which has so long been our strength and our security.

It is very well known, Mr. Chairman—and need scarcely be repeated—that the institution of slavery was not established in this country with the consent of our forefathers, but that it was forced upon us by the people and Government of Great Britain, in despite the urgent petitions and remonstrances of every one of the American Colonies. The feelings of cupidity which prompted its introduction were too strong to be resisted by considerations of humanity and benevolence. It was so generally diffused throughout the Colonies that, before the Revolution, and at the date of the Declaration of Independence, every one of them held a right in slaves *as property*, by virtue of existing laws of their own, which, for their defence and security, they had been compelled to establish by their Colonial Legislatures. The whole number, at that

Towers, printer, Franklin Building, corner of Louisiana avenue and Sixth street.

time, was more than *half a million*. Of these, Massachusetts had 3,500, Rhode Island 4,300, Connecticut 6,000, New Hampshire 600, New York 15,000, New Jersey 7,500, Pennsylvania 10,000, Delaware 9,000, Maryland 80,000, Virginia 16,500, North Carolina 75,000, South Carolina 110,000, and Georgia 16,000. In what are now free States, of the old thirteen, it will be seen that there were then 46,900 slaves, while in the remainder, which continue slave States, there were 306,500; showing, even at that early period, a much larger number in the South than in the North.

With this preponderance of slave property in the South, it is not very wonderful that difficulties should have been encountered at the infancy of our Government, in the adjustment of the principles of representation and taxation. These difficulties did arise at the very outset. In the Congress of the Confederation, the institution of slavery became, at one time, an almost insurmountable impediment in apportioning amongst the Colonies their respective shares of the public debt. The Northern Colonies insisted that the "common treasury" should be supplied "in proportion to the number of inhabitants of *every age, sex, and quality*, except Indians not paying taxes, in each Colony." Those of the South were quite as zealous in insisting that the quotas of the respective Colonies should be paid, not by the number of inhabitants of *every* condition, but by that of the *white* inhabitants. If a difficulty of this kind were to arise in our time, the consequences might well be feared. But the men of that age were wise, and conservative, and patriotic men. They looked to the common welfare—to the peace, prosperity, and happiness of every Colony. They acted for the country, not for themselves or for party. A compromise of the difficulty was agreed on, and the apportionment made according to the number of inhabitants, deducting *two-fifths for slaves*. Mr. Madison, afterwards, in writing to Edmund Randolph on the subject, said of this compromise, that it would "go forth in the general recommendation, as *material to future harmony and justice among the members of the Confederacy*. The deduction of two-fifths was a *compromise* between the wide opinions and demands of the Southern and other States." And it was unquestionably true, as Mr. Madison said, that this compromise was held by the men of that day to be necessary and essential to the harmony of the Confederacy. It did restore peace and quiet. But the Confederated Government, for reasons which were manifest at the time, and have been abundantly demonstrated since, was not sufficiently strong to enforce upon the Colonies the legislation of the Confederated Congress, and hence the Convention was called which resulted in the formation of our present Constitution.

It is thus shown to be true, sir, that slavery had already been the subject of compromise between the North and the South, before the Federal Convention of 1787 met. But so discordant, for a long time, were the views of the Northern and Southern members of the Convention, that even in that patriotic body of men, the same difficulty was encountered which had agitated the Congress of the Confederation. History records no more conclusively established truth, than that this division of sentiment would have prevented the establishment of our Federal Union, if the same spirit of conciliation and compromise which prevailed in the Confederated Congress, had not also prevailed in the Convention. This spirit triumphed over every feeling of sectional jealousy, and

brought about a *second compromise*—that which still stands upon our Constitution, fixing representation and taxation upon the same basis, and adjusting each according to the number of free persons, by adding *three-fifths of all the slaves.* I repeat, sir, what is known to every man at all acquainted with our history—that without this compromise, our present Union could not have been formed, nor could this country have grown to its present greatness.

Very soon after the formation of the Constitution, and before a fixed construction had been given to it by the several departments of the Government, and by the people themselves, efforts were made, by petitions to Congress and appeals to federal legislation, to interfere with the rights that had been guarantied and secured by that instrument. A direct attempt was made to bring the power of the General Government to bear upon the institution of slavery as it existed in the several States of the Union. Congress was, at that time, composed of wise, of grave, of deliberate men, who neither acted from impulse nor passion. These men calmly and earnestly implored those who had agitated this question, to let it alone, and to stand by the compromises of the Constitution. The moderation, the forbearance, the conciliation, the compromising spirit of that day triumphed over fanaticism and faction, and hushed them into silence. Men were not so accustomed then as now to narrow and enervate their minds with that miserable and sordid selfishness, which, if the times were not sadly out of joint, would stamp its possessors as unfit for public trust.

The country was not again excited with the subject of slavery, until the application of the State of Missouri for admission into the Union. I need not refer to the scenes which grew out of that interesting and important question—they are of occurrence recent enough to be recollected by the most of those who hear me. It cannot be forgotten that the Union was then shaken from centre to circumference, and that the spirit of fanaticism and of faction was about to be let loose upon the country with all their desolating influences. Nor can it be forgotten, that by conciliation, concession, and compromise, the Union and its integrity were again saved—that glorious Union of the States by whose preservation and security our national, State, and individual rights have been so long guarantied and maintained.

After the adoption of what is known as "the Missouri Compromise," we heard but little more of the question of slavery, and nothing of the abolition of it, until the formation of the present Abolition party. An effort was made, it is true, at the session of Congress of 1835–'36, akin to and precisely like the one which was made immediately after the formation of the Constitution, to interfere with slavery and the slave trade in the District of Columbia. A memorial was presented to this House, from the State of Pennsylvania, in 1835–'36, praying Congress to abolish the slave trade and slavery in the District of Columbia. The question which arose at that time was on the reception of the memorial. A motion was made to lay it on the table, and a very large majority of the House of Representatives did lay that memorial on the table, by voting to lay the question of its reception on the table. At the head of those who voted in the majority upon that occasion, stood the venerable and distinguished gentleman from Massachusetts, (Mr. Adams,) who but the other day fell in this Hall, illustrious alike for his integrity, his greatness, and his patriotism.

This attempt to interfere with slavery in the District of Columbia was frowned down by the House of Representatives; but the agitation of the question had commenced. No impetus, however, was given to it until the year 1840, when, as I verily believe, it received most important aid from the action of this House, without which it would now have been so dead that even the "Buffalo Convention" could not have galvanized it into life again. At that time, to get rid of the petitions on the subject of slavery which were pressing upon this House, the *Southern* gentlemen here, with the aid of some of their Northern friends, adopted the celebrated "twenty-first rule," which denied to the people of the North the right to petition Congress on the subject of slavery. Here the two extremes actually met—the agitators of the question on one side, and the opponents of agitation on the other. Immediately upon the adoption of the "twenty-first rule," the question of the abolition of slavery in the District of Columbia became a suspended question, and there was substituted in lieu of it, in the Northern States, the question of the right of petition. The consideration of that question appealed so strongly to the feelings of the North, that a large number of Northern citizens became accustomed to act with the party which was urging upon Congress the recognition of the right of petition, and continued to act with them in defence of this great right, until they became, almost insensibly, political abolitionists. Thus, I verily believe, the adoption of the "twenty-first rule" had a tendency to strengthen and increase the number of political fanatical abolitionists at the North. This right of petition was a sacred right. The North was earnestly addressed in behalf of it, and there (pointing to the seat formerly occupied by Mr. Adams) stood the distinguished gentleman from Massachusetts to whom I have just alluded, day after day, month after month, and year after year, continually clamorous in this Hall for the preservation of this high constitutional right, until the excitement became so great that a portion of the Northern people, living in the State of Massachusetts, through that same distinguished Representative, presented a memorial upon this floor praying that Congress would take steps for the immediate dissolution of the Union. Those gentlemen who were present will recollect the exciting scenes which took place upon this floor on that occasion, and with what ability, with what earnestness and power, that "old man eloquent" defended himself against the assaults of those who attacked him, claiming only this—that while he did not, either in sentiment or feeling, accord in one jot or title with the sentiments of the memorial, he stood prepared to maintain the right of petition, as guarantied to the American citizen. Upon that occasion, Mr. Adams—as it were, almost pressed to the wall by his adversaries—was compelled to declare, and did declare, what his own feelings were upon this very question on which this House has been compelled to vote within the last two or three weeks. He then said, in order to stop this agitation, in order to arouse the conciliatory spirit of his countrymen—*within the District of Columbia you men of the North have nothing to do with the right of the master over his slave;* and he went further and declared, that if he were called upon to vote upon a bill to abolish slavery in this District *he would vote against it.* But I prefer to give Mr. Adam's own words. In debate in the House of Representatives, February 2, 1842, he said:

"He had been now ten years successively a Representative of a portion of the people of the Commonwealth of Massachusetts, and within the very first week of his holding a seat in this House he had presented fifteen petitions for the abolition of slavery in the District of Columbia, and at that time he gave notice to the House, the petitioners, and the whole country, and his constituents among them, that if they sent their petitions to him to be presented *because they expected him to support them, they must understand from him that they were mistaken.* This was not an irresponsible act of his, for in his District at that time, there were perhaps more abolitionists than now. It was not then so odious a thing to be an abolitionist. The inhabitants of his District had presented petitions for that same prayer, which were referred to a committee, and a most respectable report made upon them. He had *repeated that same sentiment, time after time,* in this House, and he *repeated it now.* He said, *if a bill were to be brought into this House for the abolition of slavery in the District of Columbia to morrow, he would vote against it.* But from the first day that a petition was presented to him on this subject, he had uniformly said it was his duty to present them. He believed it the duty of the House to receive them and consider them. *Not to grant them*—that would be according to the sense of propriety of the House itself. It was not an irresponsible thing when he first took this position in this House."

Mr. Chairman, I very well recollect these remarks of Mr. Adams, and the sensation they produced in this hall. His position was such, both here and before the country, that whatever he said upon this or any other question, was entitled to the highest consideration. As the acknowledged leader of the party advocating the right of petition, he was enabled to exercise a most potent influence in staying the progress of fanaticism on the subject of slavery in this District and in the States. He did stay its progress, although it required the strength of a giant to arrest it. He put forth his arm and said to it, "thus far shalt thou go and no further." He rebuked the incendiary spirit which would have sundered every link in the beautiful cycle of our Union; and its possessors, both in the North and in the South, shrank back before his lofty patriotism and scathing eloquence. But, sir, he passed away. We who are here, saw what to him, was the "*last of earth.*" This house, in his death, lost its patriarchal leader, whose very presence linked it with a past and better age, and this country lost one of the ablest defenders of its freedom and its rights. But his remains had scarcely been carried home to the burial-place of his fathers, at Quincy, before one who bore his own name—a name ever to be honored and revered—became associated with a political hack, upon whose head rested the constantly accumulating sins of years, which had been spent in fixing ignominy and reproach upon him and his administration. This political organization was brought about by men who had left every party in the North, and who were bent upon the accomplishment of the very designs against which this venerable patriot had labored throughout his long and useful life. Devoutly should we thank that God who "shapes our ends, rough hew them as we may," that, so far, their course has been stayed by the stern rebuke of the American People.

It is not, however, to be disguised, Mr. Chairman, that the danger from this political organization is not yet past. The result of the late Presidential election seems to have produced one conviction upon the minds of those who adhere to it: that there is in some of the States of the North, lodged in the hands of this party, the *balance of political power,* and that if they can keep up, by agitation, their political organization, they will compel either the Whig or Democratic party to come to them, and, by this means, consummate their designs. I think, and most earnestly hope, that they have calculated "without their host." They *must* be mistaken, sir, in both the Whig party of the North and the De-

mocratic party of the North—neither of whom can, in any degree whatever, sympathise with the present or ultimate purposes of this fanatical party. I trust and hope that, when the end shall come, they will stand alone—marked and reprobated by the whole American people; as, in time, every man must be, who raises his arm against the Union of these States.

The present session of Congress followed immediately upon the late Presidential election, and we had scarcely got together here, before we witnessed the effect of this political organization. *First*, sir, we were called on to vote upon a proposition to abolish, *directly and unqualifiedly*, both *slavery and the slave-trade* in the District of Columbia, without the consent of Maryland, and without the consent of the people of the District. Here was a bold attempt—*made for the first time, in this hall, since the formation of our Constitution*,* to exercise the Federal power of this Government, to do that which all good men of all parties and at all times have declared that Congress could not do without a violation of individual rights, without tarnishing the fame of the nation and endangering the Union of the States. True, sir—and fortunate is it for us that it is true—this bill was voted down by the House, but I cannot conceal the expression of the astonishment which I felt to see the very large vote which it received upon the motion to suspend the rules for its introduction.

Within less than a week after this proposition to abolish slavery and the slave-trade in this District had been voted down by the House, we were called on to vote upon another no less inflamatory; that is, to submit to the people of the District the question as to whether slavery should or should not exist here, allowing the *negro man to vote*, and placing the *slave* upon an equal footing with the white man, in determining the question whether or no his bonds should be broken. A proposition thus to legislate needed but to be stated to any portion of the American people, to be repudiated, condemned, and spurned by every man whose opinions are not warped and gangrened by prejudice.

We had next a proposition to abolish the *slave-trade* in the District of Columbia. I will remark, in reference to the course which was pursued towards the resolution proposing this object, that there were a class of gentlemen here who had always denied to Congress jurisdiction over the question of slavery within the District of Columbia, or within the States; yet I was astonished, when that resolution came into this hall, to find these same gentlemen forcing the House to take jurisdiction of it, and that against the earnest remonstrances of this side of the hall. When that resolution proposing to abolish the slave-trade in the District of Columbia was submitted, the previous question was called upon it; and it will be recollected that the distinguished gentleman from Ohio, the Chairman of the Committee of Ways and Means, (Mr. VINTON,) got up in his place and implored the House to pass it by, by voting down the proposition to put the main question. But the records of the House show that *twenty-six gentlemen of the Democratic party from the slave States*, representing slave constituencies, voted to order the main question, and force the House to a direct vote upon the question, against

*I recollect no other instance in which a *bill* to abolish slavery in the District of Columbia was presented to Congress.

the earnest remonstrances and direct vote of *twenty-eight Whigs and ten Democrats from the slave States.*

Mr. MEADE, (in his seat.) What of it?

Mr. THOMPSON.—What of it? is asked by the gentleman from Virginia. There is this of it—that you have always denied that Congress has any jurisdiction over the question of which you forced us to take jurisdiction by your own vote, when we wanted to get rid of it without voting at all, unless we could have an opportunity to modify its preamble. As a lawyer, the gentleman from Virginia knows that when a cause is once in court, it may be decided either for the claimant or against him, but when you have no jurisdiction you have no power to decide either way; and he knows, too, that it is too late to plead to the jurisdiction after it has once obtained. By pressing this question upon us *you* have admitted the jurisdiction of Congress over slavery within the District of Columbia.

Mr. VINTON (the floor being yielded, at his request, for a word of explanation) said, he had asked the House not to sustain the previous question on the proposition because he wanted to amend it before voting. It was not his purpose to stave off voting upon it, but to strike out the preamble.

Mr. THOMPSON.—I concur, Mr. Chairman, with the gentleman from Ohio, that there was a strong desire on this side of the House to strike out or to modify the preamble, and that there was no fear of a vote upon the resolution. For myself, sir, I am not now, nor have I ever been, afraid to meet any proposition of the kind. Although I come from a free State I voted against it, and without hesitation, and by that vote I still stand with an entire confidence that it is *right*, and that it is approved by my constituents and the country. It is approved by my *conscience*, and that is the highest reward which an honest man can ask.

Before I proceed to notice particularly this preamble and resolution, I desire to remark that there was one feature of this transaction which struck my mind as rather curious—that was, that *ultra-slavery* men on that side of the house, and *ultra anti-slavery* men on this side, got together and coalesced with admirable and amazing harmony in pressing this preamble and resolution upon the House. *How* they got together I did not then, nor do I now, understand. Perhaps, before this session of Congress expires they may get together again. Stranger things than that have happened, and we all know that "*politics make strange bedfellows.*" "*Nous verrons.*"

I propose now, sir, to speak of the resolution of the gentleman from New York, (Mr. GOTT.) It is in these words:

"Whereas the traffic now prosecuted in this metropolis of the Republic in human beings as chattels, is contrary to natural justice and the fundamental principles of our political system, and is notoriously a reproach to our country throughout Christendom, and a serious hindrance to the progress of republican liberty among the nations of the earth: therefore,

"*Resolved*, That the Committee for the District of Columbia be instructed to report a bill, as soon as practicable, prohibiting the slave trade in said District."

I voted against this preamble and resolution for several reasons, which were entirely satisfactory to my own mind; and a few of which I propose to state. I voted against it, because it assumes that the "traffic now prosecuted in this metropolis of the Republic in human beings as chattels, is contrary to natural justice and the fundamental principles of our political system." I do not regard this as true under

our form of Government; and this leads me to inquire, whether, under the Constitution of the United States, and the compact between the States, we are compelled to recognize *property* as existing in the slaves of the South? How is this to be decided? For myself, I know of but one mode, under the Constitution, of determining upon a question of law which arises out of a conflict between the States, or between the States and the Federal Government, and that is by reference to *judicial* authority. In inquiring whether or no slaves are property under the Constitution of the United States, I am compelled to look to the decisions of the Supreme Court of the United States, and nowhere else; and recollecting how uniform these decisions had been, I was surprised to hear the doctrine asserted the other day, that the Constitution did not recognize the right of the slaveholder to his slave as *property*. I do not intend to detain the committee by reading at any length, but I have before me the interpretation of the Constitution as given by one of the most distinguished men this country has produced.

In the case of Prigg vs. *the Commonwealth of Pennsylvania*, reported in 16 Peters 611, it became necessary for the Court to put a construction upon the following clause of the 2d section of the 4th article of the Constitution of the United States, to wit:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on the claim of the party to whom such service or labor may be due."

In delivering the opinion of the Court, Judge Story said:

"The last clause is that, the true interpretation whereof is directly in judgment before us. Historically, it is well known that the object of this clause was to secure to the citizens of the slaveholding States the complete right and title of ownership in their slaves *as property*, in every State in the Union into which they might escape from the State where they were held in servitude. *The full recognition of this right and title was indispensable to the security of this species of property in all the slaveholding States; and, indeed, was so vital to the preservation of their domestic interests and institutions, that it cannot be doubted that it constituted a fundamental article, without the adoption of which the Union could not have been formed.* Its true design was to guard against the doctrines and principles prevalent in the non-slaveholding States, by preventing them from intermeddling with, or obstructing or abolishing the rights of the owners of slaves."

Here, Mr. Chairman, is the solemn, well-matured, and deliberately expressed opinion of the Supreme Court of the United States, given by Judge Story, a Northern, Massachusetts Judge, of the highest attainments, which settles the question, as between the North and South, of the right of the master to his slave, and that the slave, by the Federal Constitution, is recognized as *property*. This decision is binding upon me as a citizen and as a member of this House. It is the decision of the only tribunal, known to the Constitution, as having authority to settle this question. And inasmuch as it has been thus settled and is binding upon the whole country, both North and South, I hold that the man who attempts to array popular prejudice against it, with a view to political effect, is an enemy to the public welfare and the public peace. Sir, it *is* the law of the land, forever fixed and settled by the highest judicial tribunal in the country, and all good men must so regard it. Nothing can be more dangerous to our peace and prosperity as a nation, than these repeated attempts to appeal from the decision of our highest Courts to the tribunal of *party* and of *faction*. There was a time in our history when the "slow, unmoving finger of scorn" would

have been pointed, with unerring certainty, at the man who dared thus attempt to break down or impair those checks and balances which the Constitution and laws have thrown around the rights of the citizen. But, sir, we have seen more than once, in the last ten years, both the Constitution and the law trodden under the feet of party. We have seen Dorrism, and other *isms* not less odious, ready to spring up upon their shattered fragments, and have only been saved from their influence, when the power of the States and of the Federal Government has held these petty factions in check. In view of all this, I repeat, and I wish the sentiment fixed upon the minds of all who hear me, and upon the country—that under our form of Government, when our highest judicial tribunal, the supreme expounder of the Constitution and law, has fixed what that Constitution and law is, I hold that man to be an enemy to the public welfare and the public peace, who, for political, party purposes, seeks to array popular prejudice against that Constitution and law, thus settled and fixed.* In my judgment then, sir, this is no longer a debateable question. It is *res adjudicata*—it is a "fixed fact" that slaves are recognized by the Constitution of the United States as *property*. They are made so by the municipal laws of the Southern States, placed as such in the Constitution, form part of the basis of representation in this House, and must so stand until either those municipal laws or that Constitution are changed.

The next clause in the preamble to this resolution asserts that slavery "*is notoriously a reproach to our country throughout Christendom.*" Mr. Chairman, if I desired to do any thing else than merely *agitate* the question of slavery for political purposes, if I wished to accomplish any good and useful object, I would seek to do it by earnest appeals to my brethren of the South. I would employ no terms of denunciation or rebuke. The men of the South are no more responsible for the introduction of slavery into this country than are the men of the North. They have it, but they could not help it. It was fixed upon them, evil as it was and is, against their earnest remonstrances and entreaty. It is there without any agency of ours; let them get rid of it according to the promptings of their own judgment, in the best way they can. But when here, in this hall, dedicated to *national* legislation, we talk about an institution which exists in one part of the Union under the law of the sovereign States, which is recognised by the Constitution

---

* Gen. Washington, in his "*Farewell Address*" to the American people, employed this strong and emphatic language:

"All obstruction, to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive to this fundamental principle and of fatal tendency. They serve to *organize faction*, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation, *the will of a party*, often a small but *artful* and enterprising minority of the community; and, according to the ultimate triumphs of different parties, *to make the public administration the mirror of ill-concerted and incongruous projects of faction*, rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual interests"

"However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which *cunning, ambitious, and unprincipled men* will be enabled to *subvert the power of the people*, and to *usurp for themselves the reigns of Government*; destroying, afterwards, the very engines which had lifted them to *unjust dominion*."

of the United States, and for which we of the North are not responsible, it is wrong, and we have no right to denounce it as against the spirit of the age, and against the liberalizing influences of Christianity. This is the hall of the *national* legislature; a hall consecrated to the *Union of the States*, and though one gentleman comes from a slave constituency and another from a free constituency, they are each bone of the others bone, and flesh of his flesh; we are all American citizens and American Representatives, protected and shielded by the same Constitution, guarded by the same laws; we have a common fame, a common ancestry, and a common Revolutionary renown. I hold, sir, that as the Congress of the *United States*, we have no right to employ terms of denunciation against the South or against the North. We stand here, I repeat it, upon ground consecrated by the joint labor and wisdom of our fathers, where we are secured by that Constitution which sprang from the conservative spirit of their day—a Constitution, which, so long as it stands as they left it, will guard us against inroads from abroad and from faction at home.

This preamble again asserts that slavery, as it exists in the United States, is "*a serious hindrance to the progress of republican liberty throughout the world.*" For the life of me, I cannot imagine what is intended by such an abstraction as this. But abstraction as it is, it is not historically true. I do not believe, evil as I hold the institution of slavery to be, that the slavery of the African race has ever kept the Anglo-Saxon, or any other white race, in any degree whatsoever, from political freedom. The fact of the institution of slavery existing in the American Colonies did not impede the progress of our fathers in their establishment of a republican government. But it is true that those countries where vice and immorality and superstition and ignorance prevail to the greatest extent—as for example, Mexico, and I believe a number of the South American republics—recognize no such thing as the institution of slavery. The question of slavery is not one to be viewed in this light; it is a question between the immediate personal interest of the slaveholder and the slave; and I do not now propose to discuss the question, as to whether slavery may or may not have been an evil to the black race. If the colonization scheme, or any other scheme which may be devised by the ingenuity and benevolence of man for planting the African race on its native shores, shall be instrumental in building up a republican form of government there, and establishing the freedom of that race, I will leave it for the moralist of after days to determine, whether slavery has or has not been an evil to the black man.

The resolution of the gentleman from New York, (Mr. GOTT,) proposes to abolish the "*slave-trade*" in the District of Columbia. What is meant by the "*slave-trade?*" In the terms of this resolution I cannot understand it as meaning any thing more or less than a direct interference with the relation of master and slave in this District. I have already shown that Congress has not heretofore hesitated to declare that this ought not to be done, and that Mr. Adams expressed this opinion in the most emphatic terms. For myself, I maintain this doctrine, and intend to be governed by it, that under the laws by which the District of Columbia was ceded to the United States and accepted, for the seat of the Federal Government, Congress is bound not to interfere with the re-

lations between master and slave here.* What is the "slave-trade" in the District of Columbia? I have heard a great deal said about "slave-pens," about slaves sold at auction, and about stripping the mother from the child, and the husband from the wife. These things may exist here, but I do not know of them. Since I have been in the habit of visiting the District—which is from my boyhood—I have never seen a negro sold here, I have never seen a band of negroes taken off by the slave trader, I do not remember that I have even seen the slave-trader himself. I know nothing of the "slave-pen" that is so much talked about. It may be here, however, and these things may happen every day before the eyes of gentlemen who choose to hunt them up, but for myself, I have no taste for such things. One thing, however, I do know, and that is, that slavery exists here in the mildest possible form, that the number of slaves is gradually diminishing, and that in a few years it will be abolished by natural causes and by the people themselves, without any aid or interference from us.

The "slave-trade" as referred to in this resolution, is the right of the master to sell his slave. Congress has no right to say to him that he shall not do so. If gentlemen desire to enact a law, providing against the *importation of slaves into this District for sale*, I will go with them. This may be easily done, and without objection from any quarter. When the States of Maryland and Virginia ceded this District to the United States, for the purpose of a seat of Government, provision was made by their Legislatures that the laws of those States should prevail in their respective parts of the District, until Congress should provide other laws. Congress, in 1801, provided that the laws of these States should prevail here; but in 1802 changed them, by declaring that no part of the law of Maryland or Virginia should be so construed as to prohibit the owners of slaves to hire them within, or remove them to the District, in the same way as was practised prior to the passage of the act of 1801. The result of this is, since Alexandria county has been retroceded to Virginia, that while a gentleman living in Virginia cannot now bring his slave into the District, unless he comes with the *bona fide* intention of becoming a citizen, or as a sojourner, yet a citizen of Maryland may do so, under the compact between the General Government and that State. Now all that any man can reasonably ask to be done is this: That we shall repeal the law of 1802, revive the operation of the Maryland law of 1796, and make it applicable to the District as a jurisdiction separate from the State of Maryland. The effect will then be, that if a man brings his slave here from Maryland, or any where else,

---

* *General Harrison*, in his letter of 26th November, 1836, addressed to Thos Sloo, Jr. said: "*I do not believe that Congress can abolish slavery in the District of Columbia, without the consent of the States of Virginia and Maryland, and the people of the District.*"

Mr. Clay, in his speech on "abolition petitions" in the Senate of the United States, February 7, 1839, said:

"It was upon this view of the subject, that the Senate, at its last session, solemnly declared that it would be a *violation of implied faith*, resulting from the transaction of the cession, to abolish slavery within the District of Columbia. And would it not be? By implied faith is meant, that when a grant is made for one avowed and declared purpose, known to the parties, the grant should not be perverted to another purpose, unavowed and undeclared, and injurious to the grantor. The grant, in the case we are considering, of the Territory of Columbia, was *for a seat of Government*. Whatever power is necessary to accomplish that object is carried along with the grant. But the abolition of slavery is not necessary to the enjoyment of this site as a seat of the General Government."

the moment he comes within the limits of the District, for the purpose of carrying on the illegal and abominable traffic of slave-trading, that moment the slaves become free; but if he comes with the *bona fide* intention of becoming a resident of the District, or as a temporary sojourner, he has the right to hold his slave, under his original right as acquired from the State of Maryland. Now, sir, I venture the assertion that there are very few, if any, Southern gentlemen here, who will not vote to revive this law to-day. It presents, then, to my mind, a common ground upon which gentlemen from all sections of the Union may stand. Let such a bill be introduced—and if no other gentleman does so, I am ready to do it, for I have already one drawn for the purpose—let it be passed, restore the law of Maryland of 1796, prevent the importation of slaves, and restore to the nation that harmony and quiet which it so much needs. There can be no objection to such a course, except amongst those who have no desire to see the question settled—but who wish to agitate and distract us, by continual excitement, for party and political purposes.*

Suppose, Mr. Chairman, that, instead of making some such provision as the one I have indicated, we shall proceed to pass a law, in the general form prescribed by this resolution; what will be the next step? It is, to my mind, perfectly clear, that we should see immediately following it, a proposition from the political Abolitionists of the North, *to abolish the slave-trade between the States.*† Now, sir, I am no alarmist. I abominate these continual threats of dissolution. I have little respect for the man who is eternally talking about breaking the Union asunder,

*The following is the bill I have drawn up, the general features of which are approved by Southern gentlemen to whom I have shown it. It is copied from the Maryland law of 1796:

"A BILL to regulate the importation of slaves in the District of Columbia.

"SEC. 1. *Be it enacted, &c.* That the seventh section of an act entitled 'An act additional to, and amendatory of, an act entitled 'An Act concerning the District of Columbia,' approved May 3, 1802,' be and the same is hereby repealed.

"SEC. 2. *Be it further enacted,* That from and after the passage of this act, it shall not be lawful for any person or persons to import or bring into the District of Columbia, any negro, mulatto, or other slave, for sale or to reside within said District; and any person brought into said District as a slave, contrary to this act, if a slave before, shall thereupon immediately cease to be the property of the person or persons so importing or bringing such person within said District, and shall be free: *Provided,* That nothing in this act shall be so construed as to prevent any citizen of the United States who shall come into said District, with a *bona fide* intention of settling herein, or who shall acquire the right to a slave in any of the States of this Union, by bequest, by gift, by marriage, or by inheritance, from bringing such slaves into said District, within one year from the time such right was acquired, or such removal into said District took place; and that nothing herein contained shall be so construed or taken to affect the right of any person travelling or sojourning with any slave within said District, such slave not being sold or otherwise disposed of in said District."

The act of Maryland of 1796 is in force now in the District of Columbia, as has been decided by the Supreme Court of the United States in the case of *Lee vs. Lee*, 8 *Peters*, 45; but as it is now construed, the District stands in the same relation to it as if it were still a part of Maryland. An act such as the above, or something like it, will be necessary to make the District as to Maryland, what other States are to that State—that is, to prevent even citizens of Maryland from bringing slaves here. This Maryland has consented to, for it is part of her own legislation.

†Mr. Clay took the same view of this subject in 1839. He said:

"But, Mr. President, I will not detain the Senate longer on the subject of slavery within the District [of Columbia] and in Florida, and of the right of Congress to prohibit the removal of slaves from one State to another. These, as I have already intimated, with *ultra Abolitionists,* are but so many *masked batteries, concealing the real and ultimate point of attack.* That point of attack is the institution of domestic slavery *as it exists in these States.* It is to liberate three millions of slaves held in bondage within them."

and destroying that harmony and fraternal affection which have so long held us together. I have no sympathy with such movements. But I tell this House and the country, that, just as surely as the Sun of Heaven shines above us, just as surely as we are now a *Union* of States, just so certainly must that Union become broken and dissevered, if the municipal and local rights of the States are thus interfered with by this Congress. I say to gentlemen of the South—you shall not trample upon the rights of the North, so far as I represent the rights of the North; nor will I attempt to trample upon any of those rights of yours which are guarantied to you by the Constitution—the only charter of Republican Government which man has yet devised. Sir, I have spent the first half of my life in the South, and the last half of it in the North. I think I know the people of the South, and I think I know the people of the North, and I tell gentlemen here, both from the North and from the South, who talk about disunion, that they do not represent the feelings of the American people on this great question. No, sir, they do not represent the heart of the American people. That heart is moved by conservative influences on this and all other questions, and every throb of it is for the Union as it is—the sheet anchor of our national hopes and future renown.

If Congress shall attempt to interfere with the slave trade between the States, the inevitable, positive, direct result will be a dissolution of the Union. This the people of the South would no more submit to, than would the people of the North submit to have Congress declare that they should not transport *their property* beyond the limits of their States. The Union could not exist if either were to be done. The people of neither portion of the country would remain passive under such legislation.

I find great fault, Mr. Chairman, with gentlemen from both North and South who discuss this question of slavery; it is, that they deal in threats and denunciation which are calculated to alienate one section of the Union from the other. This is all wrong. I have said that I will not indulge in it towards the South; yet I am not disposed to enter a very formal complaint against gentlemen of the South who speak in strong terms of the North. I should prefer that they would except—as the fact will warrant—a large portion of the people of all the Northern States. Northern man though I am, I am, nevertheless, compelled to admit that some of the people of the North deserve a good deal of what is said of them by Southern men. I cannot imagine, for instance, what is better calculated to arouse the feelings of the South—their indgnation, if gentlemen please—than an attempt on the part of the Northern States to interfere with and check that Congressional legislation which has been provided, under the Constitution, for securing the rights of the master when his slave escapes from him into another State. I believe that some of the States have repealed their legislation on this subject, and that others have inflicted a penalty upon their officers for aiding the master in arresting his slave. I take pride in saying, however, that I come from a constituency who have not gone thus far in aggression upon the South. The people whom I represent—the State from which I come—is essentially conservative on this question of slavery. I represent a constituency among whom the master would be just as secure under the law of the land, in attempting to recover his fugitive slave,

as he would be in any county of Virginia or North Carolina. I do not know of a judge or a justice of the peace within the State of Indiana who would not give to the master every possible aid in his power to arrest his fugitive slave. They neither sympathise with the fanatical abolitionists of the North, nor with the ultra pro-slavery men of the South; all they say to the South is: Take care of the institution of slavery as it was left you by your fathers; it is none of ours; we will have nothing to do with it; manage it as you please.

I am a good deal inclined to think that a very considerable proportion—if not a majority—of the negroes of the South are quite as well off, if not better off, in bondage—so far as physical comforts are concerned—than they would be if they were free. Take, for instance, the legislation of Indiana, with reference to free negroes; the law of that State requires, that when they come into the State, they shall give bond and security never to become a county or township charge, and if a person hires, harbors, or conceals one of them, knowing that he has not given such bond and security, he is liable to indictment and fine. I have myself, since my election to the present Congress, defended several of my constituents who were indicted, and one of whom was fined under this law. In the State of Indiana, and I believe in the adjoining State of Illinois, this thing of political abolitionism has never extended very far, and I do not believe it ever will in either of these States of the Northwest. If the feeling which exists there should prevail all over the Union, we should have no more agitation about slavery in this District and in the States, but Congress would be enabled to settle all other questions which grow out of it without difficulty or danger to the public peace. All we want is quiet and harmony, and we can settle any question—while we are mad and excited we can settle none. Just let slavery alone, where it is protected by the Constitution and laws, and we shall have no further difficulty—neither the ordinance of 1787, nor any proviso you can then attach to your territorial bills, will, for a single moment, endanger the peace of the nation.

I do not, Mr. Chairman, propose to say any thing now, in reference to the inhibition of slavery in the Territories which we have acquired by our war with Mexico, except to remark, that if it had not been for the disregard of law to which I have referred, if it had not been for repeated violations of the Constitution, to which the Abolition party owes its political existence; if it had not been for the Abolition party itself, we should have had no Mexican war, and no Mexican territory. But we have had the war, we have got the territory, and what is to be done with it? For my own part, I declare to you, sir, that before I would endanger the Union of these States by the determination of any question which might arise in the settlement of the controversy between the North and the South, in reference to New Mexico and California, I would vote to give it all back, gold mines, and all, to Mexico. Yes; although the gold mines were ten times richer than they are, they should not weigh a feather in the scale, compared with the integrity of the Union of these States. But as we cannot give them back, for one, I am in no very great hurry to organize a government for them. I believe gentlemen from all sections had better get cool upon this question before they undertake to do a great deal about it; they are too excited now; there is not sufficient conservatism either in the South or the

North. A portion of the North say they will dissolve the Union, unless Congress inhibits slavery in these Territories; a portion of the South say they will dissolve the Union if Congress does inhibit slavery there. Which of these two extremes shall yield? Shall moderate counsels prevail? I am convinced, if we shall get rid of these other exciting matters, that the calm, deliberate, moderate, and conservative spirit of the country will yet prevail in the settlement of any question connected with these Territories; and that, in such settlement, it will be found that deep, earnest, strong, and fixed devotion to the Union is the leading impulse of the American heart.

I wish it were true, Mr. Chairman—I wish that what I see around me here every day would enable me to say it was true—that this Legislative hall had as much of calm conservatism about it as exists in the minds of the American people. But we cannot shut our eyes to the fact, that there is very often to be found a vast difference between the Representative and those who send him here. While the constituent at home is seated around his own quiet and retired hearth-stone, calmly and earnestly praying for the preservation of the welfare of the Government, we who are here are too often prompted by considerations of mere faction and party, are disturbing the peace and repose of the Union, and agitating and convulsing the whole country for our own sinister ends and selfish purposes. There is coming a time, sir—it is nearly here, and I thank God that it is so—when there will emanate from the Federal Executive of the nation, this spirit of popular conservatism, which will be poured like oil upon the agitated waters of party—when, in the settlement of great national questions, we shall neither know the names of North or South, of Whig or Democrat, but shall be prompted by those high, holy, and elevated considerations, which exist in the heart of every patriot. Sir, the question of the integrity and safety of this Union is higher than that of the triumph of any party. Without the Union we cannot exist as a nation—with it, no power on earth can arrest the progress of our greatness. It must be preserved as it is. No man is a patriot who will assail it; and he who, in this *national* hall, shall seek to array in angry conflict the North against the South, or the South against the North, is an enemy to the peace of the Republic.

Sir, I am a Northern man in sympathy and feeling, but I love the South. The South was to me the home of early and dearly cherished recollections. There are yet the playmates of my boyhood, and the friends of my youth. But, I love the North none the less for loving the South so much. My home is in the North—my interests are there, my affections are there, my sympathies are there. Shall I love the North more than the South, or the South more than the North? Shall my patriotism be hemmed in and circumscribed by the little spot of earth where I may happen to have been born or to live? No, sir, no. I trust in God the time shall never come when I shall not feel an equal devotion for the sterile hills of New England, and the sunny plains of the South, that I do for our own broad and beautiful prairies of the West. It is all my country. It belongs to the nation. It is the common inheritance of us all. And though I represent a people who have deposited important trusts in my hands, yet I know them well enough to know that they will respond to the declaration which I make, that so long as I remain a member of the National Legislature, I will give no vote which shall

not look to the rights, the interests, and the prosperity of the *whole Union*, to the North as well as the South, the East as well as the West.*

The following is an extract from the "Farewell Address" of General Washington :

*"The unity of government, which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence—the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But, as it is easy to forsee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the only point in your political fortress against which the batteries of our internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed—it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

"For this you have every inducement of sympathy and interest. Citizens by birth or choice, of a common country, that country has a right to concentrate your affections. The name of *American*, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes."

71.2009.084.07855